

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

H&H METAL SPECIALTY, INC.

v.

ORDER
04-CV-127S

ALLEGHENY COUPLING CO. and
ALLEGHENY VALVE CO.,

Defendants.

1. On April 5, 2004, this Court referred this matter to the Honorable Leslie G. Foschio, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On May 25, 2005, Defendant filed a Motion to Extend the Scheduling Order to Permit Depositions. On June 23, 2005, Plaintiff filed a Motion for Reconsideration of Judge Foschio's Decision and Order filed February 2, 2005, in which Judge Foschio denied Plaintiff's Motion to Amend its Complaint.

3. On July 11, 2005, Judge Foschio denied both of the above motions from the bench. On July 25, 2005, both parties filed Objections to Judge Foschio's decision.

4. On August 2, 2005, Defendant filed a Motion for Extension of Time to File Dispositive Motions. On September 9, 2005, Plaintiff filed an attorney Declaration in opposition to Defendant's motion.

5. Pursuant to 28 U.S.C. § 636(b)(1)(A), a magistrate judge may, with certain exceptions, hear and determine any pretrial matter pending before the court. The magistrate judge's order on such a pretrial matter will be reconsidered by the district judge only when it has been established that it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A).

6. This Court finds no legal error in Judge Foschio's decision. Both sides undoubtedly disagree with Judge Foschio's rulings, but this alone does not constitute legal error. In this Court's view, neither party has established that Judge Foschio's decision is clearly erroneous or contrary to law. Accordingly, this Court will deny the parties' Objections to Judge Foschio's decision of July 11, 2005. Further, this Court finds no cause to extend Judge Foschio's Scheduling Order to allow for the filing of dispositive motions. Defendant's motion seeking such relief will therefore be denied.

IT HEREBY IS ORDERED, that Defendant's Objections to Judge Foschio's July 11, 2005 decision (Docket No. 49) are DENIED.

FURTHER, that Plaintiff's Objections to Judge Foschio's July 11, 2005 decision (Docket No. 50) are DENIED.

FURTHER, that Judge Foschio's July 11, 2005 decision (Docket No. 46) is AFFIRMED in its entirety.

FURTHER, that Defendant's Motion for Extension of Time to File Dispositive Motions (Docket No. 51) is DENIED.

SO ORDERED.

Dated: October 5, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge